



MINUTES

City Council Regular Meeting
November 17, 2020 - 7:00 PM

CALL TO ORDER

Mayor Rudy called the meeting to order at 7:07 p.m.

PLEDGE

ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

AUDIENCE PARTICIPATION

Daniel Usery, 3922 Golden Street, Evans, CO addressed Council concerning the circumstances surrounding his dismissal from the Planning Commission. Mayor Rudy advised Mr. Usery that he attempted to contact him several times requesting his presence at the Planning Commission meetings to no avail and asked staff if there are any current vacancies. Mr. Becklenberg advised that staff is accepting applications for certain vacancies on the Planning Commission. Mayor Rudy recommended to Mr. Usery to submit an application for consideration of re-appointment to the Planning Commission. Council Member Speer added that she is grateful Mr. Usery has spoken up and recommended to submit the application.

APPROVAL OF AGENDA

Staff recommended that the Executive Session be deferred until after the Evans Redevelopment Agency meeting.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Neal to approve the agenda as amended. The motion passed with all voting in favor thereof.

CONSENT AGENDA

1. Approval of the November 2, 2020 City Council Meeting Minutes
2. Consideration of Ordinance Number 739-20 Amending Chapter 1.17 of the Evans Municipal Code to Clarify that the City May Enforce Code Violations Through the Administrative Process Except for Violations Arising Under Titles 9 and 10 – 2nd Reading
3. Consideration of Ordinance Number 732-20 Amending Chapter 10.04 of the Evans Municipal Code to Define Certain Traffic Offenses as Traffic Infractions and to Remove the Penalty of Imprisonment for Guilt or Liability Based Solely Upon the Violation of Traffic Infractions – 2nd Reading
4. Consideration of Ordinance Number 737-20 An Ordinance Amending Title 1, Chapter 1.16, Section 1.16.010 of the Evans Municipal Code to Remove the Penalty of Incarceration for Convictions Resulting Solely from Traffic Infractions and Animal at Large Violations – 2nd Reading

Mayor Pro-Tern Clark made the motion, seconded by Council Member Speer to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

NEW BUSINESS

5. Public Hearing: Consideration of Resolution Number 35-2020 and Ordinance Number 738-20 Approving a Minor Replat for Property Generally Referred to as Lots 1 – 10, Block 11 and a Portion of Outlot D all in the Ridge at Prairie View – 1st Reading

Mayor Rudy opened the public hearing at 7:16 p.m.

Mr. Becklenberg turned the meeting over to Anne Best Johnson, Community Development Director.

Anne Best Johnson reviewed the proposed minor replat as detailed in the agenda packet. The request is to vacate a portion of Outlot D in the Ridge at Prairie View, which contains a thirty foot wide former drive lane that was utilized by the oil and gas company to access the pad on the south. This would allow Lots 1 through 10 to be deeper. Staff has reviewed the requested amendment and has determined that the amendment is compliant with the overall final plat that has been approved for this development. The applicant has agreed to create a building envelope for each of the 10 lots affected which will dictate where the principal building will be allowed to be located.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Council Member Speer confirmed that Council is being requested to expand the lot sizes. She also asked if the developer will be charging more for the lots. Patrick Groom, attorney for the applicant, D-WP of Evans LLC, was present virtually. Mr. Grooms stated that currently there is no pricing set for these lots. The intent is not to increase the value of the lots, but to make the lots more attractive and to make it easier to maintain what was formerly an oil and gas access road. Once the oil and gas wells in the subdivision were plugged and abandoned, the service road no longer served a purpose. They felt it made sense to incorporate Outlot D into these lots to make the lots larger and easier to maintain. Council Member Speer expressed concern about future fencing placed along the lot lines for these lots. If the fencing needs to be removed, it will be at the cost of the property owner to replace, which will cause an expense for the property owner. She is concerned about adding a financial responsibility to property owner that may not be aware of that. Mr. Grooms responded that there will not be any utilities to the house on the lot in the area that is being incorporated. The abandoned oil and gas line runs north and south which may require access. Anne Best Johnson added that if a property owner decides to install a fence over an easement and that fence needs to come down for emergency access to the easement, it should be the property owners responsibility to replace the fence, not the City's.

Council Member Castle confirmed that the intent is to increase the lot size; building would occur within the building envelope and the additional space would just be an expansion of the yard. She asked if a property owner wanted to do work within the additional yard area would the property need to get a permit. Anne Best Johnson confirmed that the blue area is just an expansion of the usable property.

Council Member Neal stated that if nothing is done with this thirty foot wide piece of property it would just be an eyesore in the future. Anne Best Johnson responded that she believes the developer would have some sort of maintenance responsibility. However, the potential does exist for it to become a neglected area. Mr. Grooms added that the alternative would be to dedicate and convey this parcel to the homeowners association to maintain going forward. This parcel serves no benefit to the subdivision at large and other property owners would need to pay a portion of the maintenance for property they cannot utilize. The property owners adjacent to the Outlot will be the ones that benefit from adding the additional yardage and those owners will be responsible for the maintenance of their portion of it. Council Member Neal asked if property owners would be precluded from adding a storage shed to the property in the former Outlot areas. Anne Best Johnson replied that if any permit applications for accessory or other structures in the former Outlot area on each of the affected lots are submitted, those will be reviewed on a case by case basis.

Council Member Mortenson stated that if she recalls correctly, the area in question is a raised area and is not level with the remainder of the lot. Anne Best Johnson responded that there is a change in grade. It is not a drastic slope. Council Member Mortenson asked if that is why the building area for the principal structure would be limited to the orange area. Anne Best Johnson confirmed that the area in question is not suitable for a principal structure.

There were no additional questions or comments.

Mayor Rudy closed the public hearing at 7:33 p.m.

Mayor Pro Tem Clark stated that the applicant meets all the conditions for approval. He is in favor of the request.

Mayor Rudy stated that he is also in favor of the request. It makes sense to him.

Council Member Speer is a little apprehensive about the request, but puts her trust in staff and will support it based on the information provided.

Council Member Johnson is supportive of the request.

Council Member Castle also is supportive of the request.

Council Member Neal is also supportive and believes it is an advantage to the property owner to have the additional yard space.

Council Member Mortenson is in favor of it.

Mayor Pro Tem Clark made the motion, seconded by Council Member Neal to approve Resolution Number 35-2020 on first reading as proposed with the development standards. The motion passed with all voting in favor thereof.

Council Member Mortenson made the motion, seconded by Council Member Johnson, to approve Ordinance Number 738-20 on first reading as proposed with the development standards. The motion passed with all voting in favor thereof.

6. Public Hearing: Consideration of Ordinance Number 733-20 to Repeal and Replace Sections 18.06.060, 18.06.070, 18.06.080 and 18.06.090 of the Land Development Code - 1st Reading

Mayor Rudy opened the public hearing at 7:35 p.m.

Mr. Becklenberg explained that this item was initially planned to be considered at tonight's Council meeting. Since the Notice of Public Hearing was published, staff has had some conversations with the Planning Commission, which requested an additional workshop prior to Council's consideration. The Planning Commission is scheduled to discuss this item at their November 24, 2020 meeting. Therefore, staff is asking for this public hearing to be continued until December 1, 2020.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Council Member Speer made the motion, seconded by Council Member Castle to continue the Public Hearing for Ordinance 733-20 to December 1, 2020. The motion passed with all voting in favor thereof.

7. Consideration of a Contribution to the Weld County Business Recovery Fund in the Amount of \$75,000 to support COVID-19-related Business Support

Mr. Becklenberg stated that Council has had several discussion on the federal CARES Act and how it works. The City has been allocated \$974,312 that can potentially be used to reimburse City costs for responding to the pandemic. The money can be used for direct City costs for providing support to businesses in the community. So far, Council has allocated \$593,123, so there is about \$400,000 left. The City is participating in the Weld County Business Recovery Fund, which is being managed by Weld County and held by the Upstate Colorado Economic Development corporation. Cities have been asked to contribute 15% of their allocation to business recovery activities. 15% for Evans is approximately \$150,000. A couple months ago, the committee allocated half of that, \$75,000. The consideration tonight is to allocate the remaining \$75,000. So far, seven of Evans' businesses have applied for, and received grants ranging from \$7,000 to \$20,000, which totaled \$73,000.00, with a few still pending for outstanding paperwork. The City is now in the second round of reviewing grant applications. Based on the response from the first round, staff believes that \$75,000 is a good amount for the second round. Any unused money would be returned to the City. Mr. Becklenberg turned the meeting over to Allison Moeding, Economic Development Manager.

Council Member Speer asked about the how unused money would be returned to the City if the City has to return unused money to the federal government. Mr. Becklenberg responded that the City has to front the money and then apply to DOLA to get reimbursed. There is a lot of coordination that takes place with Upstate Colorado.

Allison Moeding explained that round one wrapped up on Monday. The City had eight businesses that were approved. Four businesses were denied, mostly for not having the proper documentation. Those businesses have been encouraged to reapply for the second round of funding, which closes tonight. As of Monday, there are five applications pending for a total of \$60,000. There may be six to eight more businesses that are pending in the system. The City has been promoting the program through social media and business newsletter e-blasts. Information is being updated frequently to ensure that businesses are aware of this program. She has personally reached out to some businesses, including in the service industry. The City has received a lot of support through other economic development entities, including the local Chamber of Commerce, the Business Development Council at UNC and the High Plains Library District.

Mayor Pro Tem Clark asked if the businesses that were denied were notified of what they were lacking in the applications so they can reapply. Allison Moeding stated that Upstate Colorado has done a fantastic job of communicating with the businesses. She is aware of a couple businesses that were not approved that intend to reapply.

Council Member Neal is aware of one business that was denied. Staff had worked with her to get the proper paperwork in to be approved and she used that money to pay a portion of her rent owed and pay her suppliers. The money is being used, and is helping, to save Evans' businesses. He is in favor of allocating more money to this program.

Council Member Castle is excited about this funding and is happy to see it go to the community. She greatly appreciates the work that Allison Moeding and staff has put in. It is not an easy task and she is grateful to see the community reaching out.

Council Member Johnson agrees with the comments from Council Members Neal and Castle and believes that a lot of businesses are lacking resources and knowledge of systems in place to assist them. It is vital and crucial for our small business owners to have resources to obtain information on how to apply for the grants that were made available to them. Moving forward, she would like to see the City providing those resources to the small business owners so those owners are better prepared. She is in favor of the request to assist the City's businesses and appreciates staff's work on this.

Council Member Speer believes that the City is working with the Chamber and wants to keep our social media current with regards to these programs. She appreciates that the City is adding another \$75,000. She would also like Council to discuss in a work session what options are available for some of the other funds. She sees other areas in the community that could use help during this pandemic. If federal funding continues into next year, she sees other areas and businesses in the community that could use it.

Mayor Rudy is supportive of the request and hopes that businesses that have not applied do so.

Council Member Johnson stated that today is the last day to apply for round two and asked if there will be another round of funding available. Allison Moeding stated that there is not one planned at this time because the money has to be spent by the end of the year. This includes time to review the applications and get the payments out. This will be the last round for 2020.

Council Member Speer made the motion, seconded by Council Member Neal for approval of a \$75,000 contribution to the Weld County Business Recovery Fund for business support purposes and I further move to authorize a preliminary budget amendment to the General Fund in the same amount to pay for the contribution. The motion passed with all voting in favor thereof.

8. Consideration of Ordinance Number 740-20 An Ordinance Amending Chapter 3.20 Regarding Impact Fees to Incorporate the Terms of the Intergovernmental Agreement Between the City of Evans and the Weld County School District 6 - 1st Reading

Mr. Becklenberg reviewed the item as detailed in the agenda packet. Earlier this year, Council approved an Intergovernmental Agreement with Weld County District 6 concerning the land dedication or payments in lieu for school purposes fee. It is an impact fee, similar to other impact fees the City has established, for new schools. This Ordinance is to establish those fees in the City's Fee Schedule and the Evans Municipal Code.

Mayor Pro Tem Clark made the motion, seconded by Council Member Mortenson to adopt Ordinance 740-20, an ordinance amending Chapter 3.20 to incorporate the Land Dedication and Fee-in-Lieu Fee System into the Evans Impact Fee Code. The motion passed with all voting in favor thereof.

REPORTS

9. City Manager

Mr. Becklenberg provided an update on maintenance items being undertaken by staff including removing graffiti, work at the cemetery, street sweeping and filling potholes.

10. City Attorney

City Attorney, Scott Krob, advised City Council that new COVID-19 rules will be instituted and he is willing to address any questions Council has on that topic.

AUDIENCE PARTICIPATION

There was no audience participation.

Mayor Rudy recessed the meeting at 7:58 p.m. to move into the Evans Redevelopment Agency meeting.

Mayor Rudy resumed the meeting at 9:00 p.m.

EXECUTIVE SESSION

11. To Discuss the Performance Evaluation of the City Manager, pursuant to C.R.S. Section 24-6-402(4)(f)

Mayor Pro-Tem Clark made the motion, seconded by Council Member Mortenson to adjourn into executive session at 9:00 p.m. to discuss the performance evaluation of the City Manager, pursuant to C.R.S. Section 24-6-402(4)(f). The motion passed with all voting in favor thereof.

The meeting reconvened at 9:17 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

AJOURNMENT

The meeting was adjourned at 9:17 p.m.


City Clerk



CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.